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AU PEACE SUPPORT OPERATIONS: INSUFFICIENT FOR SUCCESS (DARFUR CASE STUDY)

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ABSTRACT

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The history of peace keeping in Africa dates back in 1956 when the UN Emergency Force (UNEFI) was deployed to resolve the Suez Canal crisis. Since then, a number of peace keeping operations have been mounted in the continent, some succeeding others failing miserably. In 2001, the African states decided to establish the African Union as a successor of the Organization of African Unity. Since its establishment the African Union has made a significant effort to become an active player in conflict resolution of African conflicts. However the African Union faces a number of logistical and military challenges as well as providing adequate funds to resource build-up and expansion. This paper will cover African efforts and challenges in the realization of African solution to African conflict prevention, management, and resolution; Darfur crisis as case study.

AU PEACE SUPPORT OPERATIONS: INSUFFICIENT FOR SUCCESS (DARFUR CASE STUDY)

The history of peacekeeping in Africa dates back in 1956 when the UN emergency force (UNEFI) was deployed to resolve the Suez canal crisis. This was followed by the deployment of the UN operations in Congo in 1960.[1] Since then a number of peacekeeping operations have been mounted in the continent, some successful others failing miserably. This paper will discuss the African efforts and challenges for the realization of African solution to African conflict prevention, management, and resolution with a view to making recommendations. Sudan's Darfur region will be taken as case study.

Newly independent states of African states created the Organization of African Unity (OAU in 1963 to protect the independence and promote the unity of Africa and rid the continent of the remnants of colonialism. The OAU charter emphasized the sovereignty of member states and noninterference in their internal affairs, principles which weakened the organization's ability to prevent and manage conflicts, especially civil wars. Despite these limitations, the OAU did undertake limited peacekeeping operations, including sending a multinational force of 3500 troops to end civil war in Chad (1981-1982) and a peacekeeping mission Rwanda (1990-1993). These suffered however from financial difficulties, logistical shortcomings and unclear mandates.[2]

The first step in the realization of African solutions for African conflicts was the establishment of OAU mechanism for conflict prevention, management and resolution by the 29th Ordinary session of assembly of heads of states and government in June 1993 in Cairo, Egypt. The primary objective of this mechanism was the anticipation and prevention of conflicts. In circumstances where conflicts had escalated, it was expected to undertake peacekeeping and peace building functions to resolve the conflict. In such cases OAU civilian and military observer/monitoring missions were to be deployed. The then created mechanism for conflict prevention, management and resolution became toothless because it emphasized very much the principle of noninterference in internal affairs of sovereign states without considering the responsibility to protect people under imminent threat.[3] The organization's decolonization mandate expired with Namibia's independence in 1990 and the demise of apartheid in south Africa in 1994, while the end of the Cold War brought OAU's double image as what was sometimes called a "club of dictators" and "hub of populist and socialist ideologies" into higher relief and caused leaders like south African President Thabo Mbeki and Nigerian President Olusegun Obasanjo to worry that the west might disengage from the continent.

The decision to establish the AU was taken at an extraordinary OAU summit in Libya (Sirte) in September 1999, and it came into existence as successor to the OAU at a summit meeting of African leaders in South Africa (Durban) on 9 July 2002.[4] The new organization was endowed with much more ambitious peace security architecture. The constitutive Act of the Union, adopted in July 2002, paid deference to the state sovereignty but empowered the AU to intervene in the internal affairs of a member state that faced the threat of genocide, war crimes or crimes against humanity and took a tough line on unconstitutional change of government through coup or mercenary activity. It pledged the AU to promote dialogue and peaceful resolution of conflicts as the only way to guarantee enduring peace and stability and build democratic institutions.[5]

The Durban summit also adopted a protocol creating a Peace and Security Council (PSC) as the main decision making organ for the prevention, management and resolution of conflicts. To give the PSC the wherewithal to deploy peace support missions in member states, the AU constructed an African Standby Force (ASF), to be composed of multidisciplinary contingents of regional brigades (3,500-5,000 troops each, plus a civilian component). This rapid response capacity is not expected to be available 2010, however. The PSC has inherited and refurbished the peace fund, which the OAU used to support its initiatives. It gets its resources from the regular AU budget, voluntary contributions from member states and other sources from within Africa, including the private sector, civil society, individuals and fund-raising. In practice the additional support given to PSC by wealthier member states such as South Africa, Nigeria and Libya is controversial since it tends to be viewed through the prism of competition for influence and prestige in the organization.[6]

The chair person of the commission is also authorized to seek voluntary donations from outside the continent, provided they are “in conformity with the objectives and principles of the Union”.[7] This has resulted in the EU, through the African Peace Facility, becoming the main financial support for African Mission in Sudan (AMIS) in Darfur. The PSC is designed to work closely with civil society and other pan African organizations which, like it, are new and still in the developmental stage including the pan-African parliament (launched in May 2004) and the African commission on human rights. Progress in this direction has been correspondingly slow. A more significant problem stems from the fact that the African continent has a number of bodies with peace and security responsibilities, in particular its various sub-regional organizations like the Economic community of West African States (ECOWAS) and South African Development Community (SADC). The PSC is tasked with streamlining this multiplicity of mechanisms but the relationships between the AU and the sub-regional organizations are

sensitive. Fortunately this aspect is not a problem in Darfur since the sub-region body, the intergovernmental Authority on Development (IGAD), has concentrated on negotiation and implementation of the agreement between Khartoum and Sudanese Liberation Movement (SPLM) to end the civil war that has devastated the south of the country since 1983.

Nevertheless, Darfur is only one, if perhaps the most dramatic, of the challenges that have presented themselves to the AU at a very early stage of its existence, well before it had developed the means with which to address most of them adequately on its own. It is to the organizations credit that it has not shirked its responsibilities and has sought to cope with a range of internal conflicts that its predecessor almost surely would have sidestepped. The PSC has been proactive and aggressive in diagnosing and responding threats. For example, in November 2004, it appointed South Africa's Thabo Mbeki as mediator for the conflict in Cote d'Ivoire. In February 2005, it sent a fact-finding mission to Somalia to support implementation of the October 2004 agreement establishing a new government, and it has since backed IGAD's initiatives there.[8] It successfully intervened in Togo to restore constitutional order, endorsing ECOWAS sanctions in the wake of the February 2005 seizure of power by Faure Gnassimbe, following the death of his father, the president.[9]

This was an impressive record, but in other crises the AU risks losing credibility. The gap between political will and capacity was demonstrated with the PSC's January 2005 call for the AU to disarm forcibly FDLR, the Rwandan Hutu rebels whose continued presence in eastern Congo (DRC) threatens new conflict. Although the AU conducted a reconnaissance mission in Kinshasa, and Nigeria, Gabon, Congo-Brazzaville and Angola have offered to contribute troops, an enforcement mission estimated to cost $300 million over a half- year and present a very difficult military task that appears unlikely to get on ground.[10] The Darfur case is another great challenge to the AU peace and security ambition that must of necessity be pursued ad hoc, as events dictate, and therefore this paper argues that its success requires a great deal of outside help.

African Solutions for African Problem

Traditionally, Africans have had tremendous faith in the United Nations. This faith was grounded primarily in the fact that the General Assembly of the UN was viewed as one of the few institutions in which countries south of the Sahara had power and influence; membership in the General Assembly was seen as one of the most important icons of African sovereignty. To dismiss the role of the UN was to lessen - at least implicitly - the international salience of the guarantor of African sovereignty. However, the dramatic failures of Somalia and Rwanda

corroded the long standing faith in the United Nations and initiated the current prevailing view that reliance on the international community is highly problematic.[11]

For many African countries the fundamental lesson learned from Somalia and Rwanda was that non-state actors (the warlords in and around Mogadishu and the Hutu militia within Rwanda) were able to thwart international intervention. This type of intra-state conflict, so prevalent on the continent, has proven exceptionally difficult for the international community to manage and ultimately was the cause for failure. Traditional UN peacekeeping missions were not designed for such conflicts, and as such, were ultimately shown to be unworkable in these new "civil wars" in Africa. Based on the lessons learned from UN involvement in Somalia as well as it's inaction in Rwanda, the realization that indigenous forces would need to be configured for future contingencies began to take hold within African states.[12]

The African Union summed up the new paradigm when it noted that "regional organizations should realize that there is a need to take on the primary responsibility for their own problems, especially those related to issues of peace, security and stability. This is necessary as Africans external partners are increasingly less enthusiastic about sharing its problems. As a general rule, the vast majority of African countries possess inadequate military capabilities to mount substantial operations beyond their own borders, while marginal economic resources further restrict their ability to conduct long term sustainment for effective military operations. Though there are a number of African states that have considerable UN peacekeeping experience (Senegal, Kenya, Botswana, Nigeria, Ghana, Zimbabwe), these countries have only been able to carry out their responsibilities due to combat support capabilities and financial aid of Western countries and the UN.[13] Due to these limitations, the unfortunate reality is that logistical and financial constraints preclude most African states from individually participating in peace operations without sustainment, strategic lift, or financing from an external source. In light of these limitations, African states are attempting to become more self-sufficient in responding to various crises by developing collective responses within the regional and sub regional context, vice unilateral "ad hoc" responses from individual states. In order to do this, political and economic organizations on the African continent are expanding their original mandates so that they now include military capabilities. This reform at the political level is seen as the important first step in addressing African self-sufficiency in peacekeeping operations. Once the AU and sub-regional organizations have sufficiently adjusted their charters to the new realities of African peacekeeping forces for African conflicts, further specific reforms within the military and financial fields can then take place.[14]

While African states have generally recognized the need to take primary responsibility for responding to crises on the continent (and are supporting reform at the regional and sub regional level to accomplish this task), their actual ability to undertake credible and effective peacekeeping operations still remain limited due to inadequate sustainment and projection capabilities. A good example of these fundamental challenges was the 1997/1998 UN peacekeeping operation in the Central African Republic (CAR). During this operation, France played an indispensable role by providing transport for all of the African contingents to the mission area, while also providing substantial logistical support once the force was operational. In short, while Africans provided the "boots on the ground", France provided the critical enablers for the operation to succeed - strategic lift and follow-on sustainment. In summation, a new political consensus has emerged in Africa that recognizes the fact that African states need to respond to African challenges. However, this new realization understands that the vast majority of African nations does not currently have the capability to unilaterally intervene in crisis areas, and will therefore have to rely on regional or sub-regional mechanisms to respond. As such, a "pooling" of limited military resources augmented by deployment and sustainment assistance by the international community is seen as the only solution to this security dilemma.[15]

The Darfur Crisis

The Darfur Crisis has continued to be a humanitarian catastrophe and big challenge to the African Union. As earlier remarked this paper has endeavored to evaluate the African Solutions for African problems model, as being insufficient for success despite significant efforts and political will of African leaders. The following part of the of the paper will evaluate the evolution of African Union Mission in Sudan (AMIS)'s operations in Darfur region, assessing its capabilities and critical limitations, and besides giving recommendations conclude by arguing that any "Africanization" of peace operations forces will face critical shortfalls in sustainability and mobility, and as such, will be dependent on Western augmentation for the foreseeable future.

AMIS Evolution from Ceasefire Commission to AMIS II-E Conception

In April 2003 two rebel groups, The Sudan Liberation Army/Movement (SLA) and the Justice and Equality Movement (JEM), attacked and destroyed several Sudanese air force planes on the ground in Fashir, the principal city of Darfur.[16] Soon after, the Sudanese government launched a counter- insurgency campaign of ethnic cleansing against civilians of the Fur, Zaghawa and Masaliti ethnic groups, the same ethnicities as the rebels assisted by militias drawn from rival ethnic groups known as the "Janjaweed", whom the government

supported, trained and armed. By mid 2004, hundreds of thousands of civilians had been displaced, thousands had been killed, and hundreds of villages had been burned and looted.[17] On April 8th 2004, under the auspices of Chadian mediation, representatives from the Darfurian rebel movements and the government of Sudan (GoS) signed the Humanitarian Cease Fire Agreement (HCFA) in N'Djamena, Chad, along with its protocol on the establishment of humanitarian assistance in Darfur. In doing so, the parties agreed to accept an automatically renewable cessation of hostilities; to create conditions allowing for the deliverly of emergency relief, including the facilitation of humanitarian assistance; and to establish a Cease Fire Commission (CFC) to monitor the agreement along with a joint commission (JC) to which it would report.[18] In agreeing to the establishment of a Ceasefire Commission, the parties to the HCFA accepted an offer from the African Union (which had been closely involved in bolstering the peace process leading to the agreement at N'Djaména) to monitor ceasefire compliance. The A.U. Special Envoy for Sudan, Ambassador Baba Gana Kingibe, had met with Sudanese and Chadian government officials in March 2004 to discuss the role of the African Union in the Darfur crisis, and in late March, Ambassador Sam Ibok of the A.U. peace and security department had lead a team to N'djamena for further meetings on the A.U.'s role in addressing the situation. These discussions had paid particular attention to the humanitarian consequences of the ongoing conflict and the possible mobilization of assistance from the international community, primarily African states.

Following the signing of the Humanitarian Ceasefire Agreement, the A.U. Peace and Security Council (P&SC) on April 13, 2004, requested that its Chairperson dispatch an urgent reconnaissance mission to prepare for the deployment of the CFC and to assess the need for a Protection Force for its military observers.[19] The P&SC reported that in addition to a dramatically deteriorating humanitarian crisis, attacks against civilians had increased "both in scale and brutality."[20] Accordingly, immediate technical consultations concluded with an A.U. proposal for the CFC, including the possible deployment of an unspecified number of African Military Observers (MilObs) to monitor the Humanitarian Ceasefire Agreement. This plan was submitted to the Sudanese parties for approval on April 29, 2004. In a follow-up reconnaissance mission, representatives from the A.U., the Chadian mediation, and the international community met with the Sudanese parties, U.N. agencies and humanitarian organizations to obtain information required for rapidly launching operations.[21] The Ceasefire Commission, with the African Union Monitoring Mission (AMIS) as its operational arm, was launched with the May 28, 2004 signing in Addis Ababa of the Agreement on the Modalities for the Establishment of the Ceasefire Commission and the Deployment of Observers in Darfur. This second agreement by

the Sudanese parties determined the composition and mandate of the CFC, as well as the modalities for its monitoring and verification of alleged violations, and made provision for a protection element for the MilObs.

AMIS and AMIS II

After an advance mission to secure the headquarters site at Fashir and to negotiate the Status of Mission Agreement with the Government of Sudan in Khartoum, AMIS became operational on June 19, 2004 when CFC Chairman then-Brig. Gen. Festus Okonkwo of Nigeria reported for duty and shortly followed by Brig J Bosco Kazura from Rwanda as his deputy.[22] During the period from the April signing of the Humanitarian Ceasefire Agreement to the June beginning of AMIS/CFC operations, the absence of commitment to the ceasefire by parties to the conflict was already evident, with forced displacement and attacks on civilians continuing unabated. AMIS was effectively monitoring the absence of a ceasefire, rather than its maintenance, Consequently, the A.U. almost immediately began rethinking AMIS's operations. The P&SC Chairperson's report on July 4, 2004, three weeks after AMIS became operational, expressed concern about ceasefire violations by all parties to the conflict, as well as ongoing abuses of international human rights and humanitarian law, such as the aerial bombardment of villages by the Sudanese government. The Chairperson also recalled the Sudanese government's September 2003 commitment, and a reaffirmation of this commitment in June 2004, to control and disarm "irregular groups" contributing to the lawlessness and insecurity in Darfur.[23] The A.U.'s Peace and Security Council on July 27, 2004, requested that the CFC assess the situation in Darfur and submit recommendations on how to enhance the effectiveness of AMIS's impact on the ground. This resulted in the introduction of a MilOb Protection Force of 310 troops.[24] Despite regular patrols by MilObs "to promote confidence building," the P&SC between July and October noted continuing violations of the ceasefire, including alleged Janjaweed raids; helicopter attacks, arson, destruction of civilian life and property, and hindrance of a CFC investigation by Sudanese government forces; and a range of abuses by the SLA/M (ambush, assault and abduction of health workers; extortion of commercial goods; recruitment and arming of child soldiers, and unlawful collection of taxes).[25] As for humanitarian situation in Darfur, the primarily concern was with the free movement of humanitarian workers throughout the region. By October 2004 the Sudanese government was curbing abuses and refrained from large-scale coordinated attacks on villages—although village destruction was well advanced by then. It agreed to work with the International Organization for Migration on planning returns of internally displaced people, but displacement, carried out

through small-scale government and militia attacks, continued to mount. Describing the situation in Darfur as an uneasy calm in which lawlessness "continued unabated," the CFC Chairperson's October 2004 report noted a serious humanitarian situation amid these violations, despite an increase in the number of agencies operating in Darfur.[26]

The September Protocol on the improvement of the humanitarian situation included the request by the parties that the A.U. take all necessary steps to "strengthen AMIS on the ground." However, there was no agreement on a plan to facilitate AMIS monitoring functions or on implementation procedures for the Protocols. Additionally, no modalities for neutralizing and disarming the Janjaweed militias were established.[27]

Rethinking AMIS Operations, and the Transition to AMIS II

The report of the CFC Chairman on October 20, finding that AMIS, where deployed, had contributed to overall security but was limited by issues of logistics and scale, proposed to increase the military component to 2,341 and to introduce a civilian police (CivPol) component of 815. Effectively broadening the AMIS mandate from simply monitoring compliance of the HCFA, the October plan called for a "balanced force" capable of implementing a mandate that would include instructions to:

- monitor "proactively";
- report any violations of the CFC in accordance with the guidelines established in the relevant agreements;
- assist in "the process of confidence-building";
- contribute to the security of the environment to allow for the delivery of humanitarian assistance;
- contribute to the security of the environment for the "longer-term objective of supporting the return of IDPs and refugees to their homes"; and
- Contribute to the improvement of the security situation in Darfur, "it being understood that the responsibility for the protection of the civilian population lies with the GoS."[28]

Endorsing this plan for a transition to what became known as AMIS II, the P&SC also decided that within the framework of AMIS's revised mandate, it should perform a number of tasks including "Protecting civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the government of Sudan." The P&SC determined that the enhancement of AMIS – to commence in November 2004 – should be completed within 120 days of receiving its mandate.[29]

Logistical Challenges

Under AMIS, five CFC sector sites, each with two MilOb teams to conduct verification and investigation, were established in Darfur at El Fashir, Nyala, El Geneina, Kabkabiyah and Tine, and at Abéché in Chad. The plan for AMIS II increased sector sites from five to eight in Darfur with the addition of Kutum (Sector 6), Zalingue (Sector 7), and El Daien (Sector 8). The new AMIS II sectors would give rise to 15 MilObs Groups Sites (MGS), including one in Abéché, comprising two MilObs teams and protection forces per site, each of which would have an operational radius (by ground) of 60-70 kilometers.[30]

The Chairperson's report to the P&SC on July 4, 2004 cited logistical problems hampering initial efforts to deploy the MilObs in Darfur, in particular a lack of accommodation in Fashir as well as slow construction of camps at regional sites. By September "organizational constraints" were still being cited, including poor infrastructure, as the mission continued to experience delays in the construction or improvement of office and accommodation sites as well as transportation routes between the sectors. Significant progress to overcome the accommodation problem was reported in early 2005, however.

Elements of personnel deployment were slow under AMIS's deployment schedule: although the protection element of 310 to support roughly 30 AMIS MilObs already operating in Darfur arrived in the region, in two companies provided by Rwanda and Nigeria, in late August 2004. By January 2005 the CFC Chairman reported that only 7 of the intended 815 CivPols were on the ground. The target full operational capacity (FOC) assumed that all forces would be in place by mid–April 2005, but only 2,200 of the full 3,320 were in place by that time.[31]

Recognizing these severe shortcomings, the Chairperson acknowledged that much more needed to be done "if the deployment [was] to be completed with the urgency required by the evolving complexity of the situation."[32] To address this reality, the Ceasefire Commission in January 2005 established the Darfur Integrated Task Force (DITF) at A.U. headquarters in Addis Ababa with the aim of supporting AMIS with "strategic planning and support." The DITF would be responsible for scheduling deployment and coordinating with international partners to this effect. However, the DITF in turn reportedly faced problems getting personnel and accommodation.[33]

Insufficient funding for AMIS was a further obstacle to mission planning and implementation. The P&SC in October 2004 updated its appeals for international support but by April 2005 only U.S.$43 million of U.S.$248 million pledged had been received in addition to substantial in-kind contributions. Most of the cash pledge was for "personnel costs." However,

the CFC Chairman in April 2005 stated that the mission was not experiencing any financial difficulties.[34]

AMIS II Operating Environment

The period following the October 2004 plan was marked by a deterioration in the human rights situation on account of a government military offensive taken under pretext of securing "safe areas" for the U.N. In its attacks on civilian villages during this period, the Sudanese government deployed Antonov aircraft and helicopter gunships in violation of its earlier agreement with the A.U.[35] and this led to the end of peace negotiations with the rebels for another seven months. In late January 2005, the Security Council referred the case of Darfur to the International Criminal Court for crimes against humanity. After more government attacks on villages in Darfur in February, the government refrained from such attacks for several months as AMIS's deployment unfolded slowly. However, Janjaweed attacks continued, notably against civilians in Jabel Marra in April 2005 and rebel abuses and banditry began to increase, with more attacks on AMIS itself as well as on commercial vehicles. The April 2005 report by the CFC Chairperson concluded that compliance with the Ceasefire Agreement was "insufficient" and the security situation in Darfur was "unacceptable" during the period in question.[36]

From AMIS II to the Beginnings of AMIS II-Enhanced

The evolution from AMIS to AMIS II and ultimately towards AMIS II-E was clearly directed by the various assessments of mission effectiveness in the face of the grave external challenge of the security environment. In particular, neither AMIS nor AMIS II was deployed, structured or mandated to replace host nation security responsibilities, but rather to contribute to security, yet there was a clear and continuing reality on the ground that the Sudanese government had abrogated its responsibility to protect its own citizens.[37]

There were internal structural and operational shortcomings in AMIS and AMIS II aside from the logistical and donor support challenges mentioned above. Some of these related to the Civilian Police (CivPol) component. It was clearly a mistake in the initial conception of AMIS that a civilian police component was lacking, an absolutely critical partner in the overall mandate. This oversight, while recognized in the Chairman's October report leading to AMIS II, probably cost the mission countless weeks and perhaps months of progress.[38]

The CivPol tasks developed within AMIS II centered on confidence building, mentoring of the Government of Sudan police capability in and around IDP camps, as well as investigating non-compliance with the ceasefire. However, one aspect of CivPol work is illustrative both of the achievements of confidence building, and the shortcomings arising from inadequate rules of

engagement: CivPol as well as AMIS military patrols began to accompany women and girls gathering firewood, a necessary task that exposed them to attack and rape. These patrols were very well received by displaced persons and hundreds of people began to participate, including men. But sexual violence against women and girls continued to be rampant as no measures had been undertaken to seriously investigate or prosecute any of these crimes. Those few women who reported sexual assaults to the Sudanese police in many cases found they were mocked and humiliated. Unmarried women and girls who became pregnant from these rapes were threatened with jail for adultery on the basis of pregnancy outside marriage. The inability of CivPols to arrest those implicated meant that, even if they gathered sufficient evidence to identify the rapist or attacker, their investigation was disregarded by the Sudanese police and it never resulted in arrests or trials.[39]

One significant achievement was the A.U.'s use of the reports detailing government involvement in attacks to pressure the government of Sudan to cease flying Antonov airplanes in Darfur; it also secured the government's agreement to cease offensive flights in Darfur altogether. As the government had previously denied all use of airpower in its offensive military operations, being able to confront it with evidence was instrumental in securing agreement. Publication of the ceasefire violations and other findings on the Internet provided the greater public with information on AMIS's work and benefited policymakers and donors, although the information usually did not trickle down to the civilian population.

As described above, the period after AMIS II came into being but before its increased numbers were deployed was marked by deterioration in the human rights and humanitarian situation arising from the government's South Darfur offensive in November-December 2004 and January 2005. Once AMIS II began its enhanced deployment, in early 2005, marginal improvement in security was evident, noted by the reduction in both ceasefire violations and some rights abuses. With the inclusion of a Combat Support component including intelligence, communications and engineers and Combat Service Support such as logistics and military police capability, the force was more balanced and had an integral, albeit limited, self-sustainment capacity. This allowed the force to be mobile for greater distances and time enhancing its security role and visibility. Many international sources indicated that security improved just by the increased AMIS II deployment and patrolling footprint.[40]

March 2005 Assessment

Despite some improvements, the ceasefire violations, militia attacks, lawlessness, human rights abuses, and humanitarian crisis continued even after deployment of AMIS-11. The P&SC

led a joint assessment mission in March 2005 with the U.N. and other international partners to identify “all possible” means to strengthen AMIS and to further enhance its effectiveness. Citing changes in the dynamics of the demands placed on military observers, the Chairperson reported to the P&SC that there existed an “increasing need for AMIS to be much more proactive.”[41] Although this assessment mission did not see a need to alter the mission’s mandate, it recommended the re-prioritization of certain operational tasks, including focusing on improved humanitarian access, confidence-building, and coordination with Sudanese police. While the mission report states that the A.U. force should be in a position to promote a secure environment across Darfur, it also acknowledges that the need for permanent deployment in all areas will be proportional to the level of responsibility assumed by the GoS and the rate of IDP returns. The mission, noting the limits of AMIS II despite having almost reached full troop deployment, identified weaknesses in its structure, including “command and control, logistic support and operational practice.”[42]

In a paper published in April 2005, Commander Seth Appiah-Mensah, military advisor to the special representative of the chairperson of the African Union Commission (SRCC) and head of the AMIS headquarters in Khartoum, suggested that many of the shortfalls and limitations experienced by AMIS were due to a “seriously constrained” concept of operations (CONOPS), a “chronic lack of resources,” serious “strategic and operation gaps,” and effectively crippling intelligence and communication gaps. In addition, difficulties with contractors have been cited. Many of these issues, including a problematic lack of civil-military coordination and critical problems with the provision of adequate medical services, were acknowledged and reflected upon in the report of the March 2005 assessment.[43]

To address these problems, and to improve support of the mission’s troubled CivPol component, the assessment exercise recommended a two-pronged enhancement of AMIS II, with a “possible follow-on operation” to be decided upon pending the full completion of the first two phases. Phase One was scheduled for completion by the end of May 2005 in the capacity detailed in the October 2004 enhancement (AMIS II) of the original plan (AMIS). Phase Two (AMIS II-E), envisioned a significant strengthening of AMIS II, with expectations for this phase described as “improved compliance” with the N’Djaména Agreement and security—including access to humanitarian relief—for IDPs and other vulnerable populations, recognizing that the Sudanese government is ultimately responsible for the welfare of civilians. Measurement for success in a projected Phase Three would be the reversal of ethnic cleansing—that is, the “return and resumption of livelihoods of IDPs and refugees with levels of security comparable to that which existed before the outbreak of the current conflict, in February 2003.”[44] The

implication of anticipating this third phase and the resulting stability was that a political settlement would accompany the increase in AMIS presence, allowing for the mission to assist in the resettling and securing of the entire region[45]

Mandate and Rules of Engagement

Military planners typically use three related but linked concepts: mandate, mission tasks, and rules of engagement. As of October 2004, AMIS's expanded mandate was to monitor and observe compliance with the Humanitarian Ceasefire Agreement of April 8, 2004 and all such agreements in the future: to assist in the process of confidence building and to contribute to a secure environment for the delivery of humanitarian relief and, beyond that, the return of IDPs and refugees to their homes, in order to assist in increasing the level of compliance of all parties with the Humanitarian Ceasefire Agreement and to contribute to the improvement of the security situation throughout Darfur.[46]

The mission tasks define the military activities required to give effect to the mandate. Rules of engagement are a means for providing guidance and instructions to the commanders and personnel within the framework of political and military objectives. They define the circumstances, degree, and manner in which force may be applied to accomplish the mission tasks, and are designed to ensure that the application of force is carefully controlled.[47] Among the criticisms of the A.U. forces is that their mandate is insufficient to provide civilian protection on the ground. Such criticisms may reflect unrealistic expectations of what AMIS can do or a narrow view or misunderstanding that AMIS's current mandate, tasks and rules of engagement do not permit proactive and aggressive action to protect civilians. Yet from the wide range of source documentation, it seems that the mandate is sufficiently open-ended to permit flexibility in mission tasking to permit robust protection of civilians and humanitarian operations. Such flexibility suggests that with good intelligence capabilities and high force mobility, and with AMIS forces operating under clear, well understood and widely disseminated rules of engagement that permit deadly force to protect civilians and political will, AMIS should be able to engage belligerents to prevent attacks against civilians rather than only reacting to them. It is notable that the mission tasks have been more proactive since the Assessment Mission in March 2005 and that AMIS II-E tasks could be further enhanced.[48]

The current AMIS II-E operation does not require a change in mandate to permit the troops to provide robust civilian protection—AMIS can do that now with its current mandate. A change in mandate might be necessary in the event that the mission was reoriented to achieve broader goals, such as a peace enforcement mission under Chapter VII of the U.N. Charter. It is

the AMIS rules of engagement that need change—it is not so much a question of what can or cannot be done within the mandate, but rather that commanders at the lowest levels and their troops do not have clear instructions as to what they are authorized to do. In particular, the rules of engagement need to be amended to clarify their applicability to the protection of civilians and humanitarian operations under imminent threat as stated in the mandate and to specifically permit the use of deadly force in the execution of these tasks. Political will is needed to effect such a change.[49]

Establishing AMIS II-E

With support from its international partners, NATO and the United Nations, the African Union finalized preparations to launch AMIS II-E on July 1st 2005 to be completed at the end of September 2005. In many ways, this expanded mission was challenged with the high expectations associated with being the first all-African peace support mission with nearly universal African support. The A.U. viewed AMIS II-E in particular as a test of its capacity to bring peace and security to the continent in addition to its ability to effectively absorb contributions from the international community.[50]

On April 25, 2005, a meeting of the A.U. Peace and Security Council's Military Staff Committee (MSC) evaluated the conclusions and proposals of the March 2005 joint assessment. Applauding AMIS II efforts where deployed and acknowledging "prevailing constraints" afflicting the mission, the resultant MSC report found that although security had improved "relatively," the level of violence and compliance with the Humanitarian Ceasefire Agreement were still unacceptable. Like the March 2005 assessment, the Committee concluded that the mission was overstretched at its current strength and would therefore require further expansion along with the appropriate additional logistical support. However, it criticized the proposal arising from the March assessment (for 5,887 military personnel, 1,560 civilian police, plus necessary support staff, to be deployed in full by August) as lacking "basic elements of a balanced military force… required to deal with the situation in Darfur."[51] The MSC instead found that a more realistic military component would be comprised of 6,171 troops in addition to a civilian police component of 1,560 personnel. The number of MilObs Group Sites was to increase from fifteen to twenty-nine.[52]

AMIS 11-E Operating Environment

As of October 2005 through 2006, the Sudanese government continued to commit war crimes and crimes against humanity against those civilian populations perceived to be linked to the rebels because of shared ethnicity. Despite repeated demands from the international

community, including the U.N. Security Council, there has been no serious action to disarm the militias, end impunity, or support the African Union's efforts to protect civilians. Instead, the Sudanese government continued to pursue a variety of steps that further entrench and consolidate the ethnic cleansing that it and its militias have committed. Impunity for war crimes and crimes against humanity is pervasive.[53] AMIS is operating in an environment that reflects a broad failing by the Sudanese government to reverse "ethnic cleansing" in Darfur.

The Current Situation

UN Security Council passed on 31 August, 2006 extended to Darfur the mandate of the UN mission in Sudan (UNMIS), which currently has 10,000 in-country personnel monitoring the North-South Comprehensive Peace Agreement. The resolution "invited" Khartoum's consent to the deployment of 20,600 UN peacekeepers to the region. A reinforced UNMIS would take over from the African Union's currently overstretched African Mission in Sudan (AMIS), which had its mandate extended by the African Union's Political and Security Committee on 29 November 2006 for a further 6 months. The international community has urged Khartoum to accept the AU/UN "hybrid" force. The ruling National Congress Party (NCP) in Khartoum has accepted the deployment of a limited number of UN police officers, military advisers and equipment but has yet to give full support to the full force.[54]

The security, human rights and humanitarian situation in Darfur has continued to deteriorate since the Darfur Peace Agreement (DPA) was signed on 5 May 2006. Aid agencies warned that attacks by armed militias had destabilized region further in December 2006 and forced the evacuation of up to 400 staff, while the AU Ceasefire Commission reported the re-emergence of a "re-supplied and rearmed" Janjaweed, With support from Chad and Eritrea, elements of the rebel groups that did not sign the DPA have regrouped as the National Redemption Front (NRF) and since late June 2006 through 2007, have launched a series of attacks. UN Special Envoy Jan Pronk was expelled from Sudan after making comments noting that the Sudan Armed Forces was suffering from defeats and low morale. The lone rebel signatory of the DPA - the Sudan Liberation Army faction of Minni Minnawi (SLA/MM) - increasingly acts as a paramilitary wing of the Sudanese army. Violence against women has surged, with more than 200 instances of sexual assault in five weeks around Kalma camp in South Darfur alone in September/October 2006.[55]

The current situation in Darfur seem to have gone beyond AU capability to handle without support of the international community as the government of Sudan continue to show limited will to protect its citizens. A situation recently the president of Rwanda, which was the first country

so send peacekeeping troops to Darfur followed by Nigeria ,H.E Paul Kagame has described as Chaotic, "There is a sense of frustration that you cannot rule out the possibility of, at a certain time, withdrawing our forces. And I can see that we are moving in that direction," Kagame emphatically said. He described the situation in which the African Union Mission in Sudan (AMIS) is operating as chaotic, adding that the forces are not ill trained but ill supported by those who are supposed to do it and as a result, the mission has not yielded positive results for the Darfur population and the AU.[56]

Recommendations

Having completed a detailed examination of the technical capacities of the AU, and in view of the extensive research on the situation in Darfur, this paper makes the following recommendations for ways in which mission operations may be improved to protect civilians and which are urgently needed whatever the mission's future evolution might be. In view of escalating insecurity across Darfur, the AU should urgently put in place measures to immediately enhance the performance of AMIS II-E. To this end:

- Expedite the completion of AMIS II-E in its entirety, including the full deployment of all 6,171 military personnel, 1,560 civilian police and equipment;
- Proactively and aggressively interpret AMIS's mandate to protect civilians and humanitarian operations;
- Clarify that AMIS rules of engagement apply to the tasks of protecting civilians and humanitarian operations under imminent threat, and ensure that the rules allow for use of deadly force in the execution of these tasks; Delegate more control over the use of deadly force to sector commanders, to increase effectiveness;
- Deploy in each sector fully equipped quick reaction forces to respond immediately to imminent threats to civilians and humanitarian operations, with rules of engagement that provide for the use of deadly force;
- Provide civilian police with some arrest powers (particularly in areas where no Government of Sudan presence exists), facilities, equipment, and procedures to enable them to detail and document alleged perpetrators before turning them over to the Sudanese authorities.[57]

The United Nations Security council should urge member states to continue to provide the African Union Mission in Sudan (AMIS) with funding including with sufficient cash to enable AMIS to effectively protect civilians and humanitarian operations, and with all necessary communication, logistical and technical support; Continue to pressurize the government of

Sudan to accept AU/UN “hybrid” force, stipulated in its resolution 1706, passed on 31 August, 2006 that would extend to Darfur the mandate of the UN mission in Sudan (UNMIS) to almost double its strength thereby allowing capability to take over AMIS operations in Darfur.[58] Promptly pass a resolution demanding that the Sudanese government operate with the A.U. and the continuing AMIS mission, and desist from placing any obstacles in the way of AMIS deployment and operations.

Conclusion

The African Union is an ambitious attempt by the African states to expand Pan African cooperation and capabilities. The analysis of the African Union capabilities has shown that the African Union has decided to build structures and decision-making procedures which eventually would give the African Union good chances of becoming an efficient organization in dealing with armed conflicts in Africa. A number of shortfalls, however, reduces the momentum of the organization substantially and risks putting the whole idea of an African Union in peril. Two major shortfalls characterize the African Union: lack of funding and insufficient forces and force structure. Any attempt to overcome the shortfalls and increase the African Union possibilities to conduct peace support operations must address these two issues. Furthermore, a number of more moderate shortfalls have to be addressed. Sustained levels of funding to allow incremental increases of fully capable capacities are a general problem limiting all attempts to develop the African Union and therefore, the first priority for attention. Funding is required both to build-up and sustain structures and to conduct operations.

The Sudanese government has consistently failed to protect its civilians in Darfur, and the AU alone cannot fulfill the international responsibility to do so. The concept of African solutions for African problems has given U.S. and European policy makers a convenient excuse to do no more than respond to AU requests for financial and logistical support. However, Darfur should not be allowed to be treated as simply a capacity building exercise for the AU. This research paper has analyzed in detail tremendous efforts by the Au in trying to end the Darfur Crisis all the way from AMIS conception to AMIS 11-E, but in vain. The AU has accepted that it needs more help in the short run, and the international community must work with it to deploy a force immediately –AU or UN that can end the atrocities.

A stronger international effort to protect civilians and create a secure environment for humanitarian operations would not only save lives in the short term but also generate momentum towards a long term solution to this conflict.

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